

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILED

No. 5:10-HC-2059-BO

JUL 29 2010

ARTHUR A. BLUMEYER,
Petitioner,

v.

TRACY JOHNS,
Respondent.

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ORDER

DENNIS P. JAVARONE, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

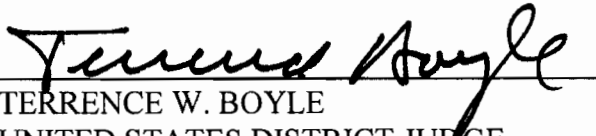
On June 11, 2008, petitioner filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On December 23, 2009, counsel for petitioner filed a motion to appear pro hac vice which was allowed the same day. Several motions and orders were entered and on April 13, 2010, the case was transferred to this district from the Southern District of Illinois. On July 8, 2010, petitioner filed a motion for voluntary dismissal without prejudice (D.E. # 90). On July 23, 2010, petitioner's counsel D. Craig Hughes filed a motion to withdraw in paper form (D.E. # 94) and a motion to withdraw as counsel of record (D.E. # 95). The matters are ripe for determination.

Both the motion to file in paper form and the motion to withdraw as counsel of record are ALLOWED (D.E. # 94 and # 95). Furthermore, the motion for voluntary dismissal without prejudice is ALLOWED (D.E. # 90). Federal Rule of Civil Procedure 41(a)(2) allows for dismissal "on terms the court considers proper." Respondent has not filed an objection to the voluntary dismissal, the case was recently transferred to this district, and counsel for petitioner has withdrawn. In the interest of justice the court finds it appropriate to GRANT the motion.

Thus, upon full review of the matter, the court finds it appropriate to ALLOW the motion to withdraw in paper form (D.E. # 94), ALLOW the motion to withdraw as of counsel of record

(D.E. # 95), and ALLOW stipulation for a voluntary dismissal without prejudice pursuant Rule 41(a)(2) (D.E. # 90). Having so determined, the motion to dismiss is DENIED as MOOT (D.E. # 92).

SO ORDERED, this the 28 day of July 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE